

## **EXHIBIT H**

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October 29, 2014

**VIA ELECTRONIC MAIL**

Jodi A. Kleinick, Esq.  
Paul Hastings LLP  
75 East 55<sup>th</sup> Street  
New York, NY 10022

Dear Ms. Kleinick:

This letter responds to your latest letter, dated October 29, 2014, threatening sanctions should the Trustee not accede to your demands by 5:00 pm on October 31st. As our letters of August 25th and September 9th unequivocally explained, your allegations are false and the sanctions motion you are threatening to file would be frivolous, in bad faith and for an improper purpose. ~~Nothing in your latest letter alters the situation and we stand by those earlier letters.~~

Should you file your threatened motion, we will move for sanctions for your violation of the Rule 11 procedures in submitting a copy to Judge Bernstein of your sanctions motion on the same day it was served on our client. That action was a *prima facie* violation of the plain language of Bankruptcy Rule 9011, which "prohibits the filing or presentation [to the Court] of a motion for sanctions if the offending party withdraws or corrects the challenged paper within 21 days after service of the motion on the offending party." *In re Spa Chakra*, 2013 WL 3286241 at \*5 (dismissing sanctions motion for violation of safe harbor provision). "Presenting" a claim to the Court includes "signing, filing, submitting or later advocating . . . a petition, pleading, written motion, or other paper." See *in re InterCorp Int'l Ltd.*, 309 B.R. 686, 693 (Bankr. S.D.N.Y. 2004) (Bernstein, J.).

Should you persist in your efforts to fabricate the basis for a sanctions motion out of a three-year-old factual allegation made in good faith, we will seek counsel fees.

Sincerely,



Gonzalo S. Zeballos

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